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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,765	09/18/2003	Ikuo Niimura	1232-5155	6378
27123	7590	02/08/2008		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER JERABEK, KELLY L	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 02/08/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/665,765	<b>Applicant(s)</b> NIIMURA, IKUO	
	<b>Examiner</b> Kelly L. Jerabek	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 11/12/2007 have been fully considered but they are not persuasive.

### **Response to Remarks:**

Applicant's arguments regarding amended claim 1 (Amendment pages 6-7) state that the cited portion of Obana merely discloses **re-loading** key information, whereas the present invention as featured in claim 1 as amended **generates** the key data used to generate the authentication data. Thus, the applicant maintains that independent claim 1 is distinguishable over the combination of the Kondoh and Obana references. The Examiner respectfully disagrees. Kondoh discloses in a first embodiment an image sensing apparatus (100) comprising: an image sensing unit (2) that generates image data of a sensed image; and a key data control unit (MAC generation unit 11) that generates key data (Kprivate), the key data (Kprivate) being used to generate authentication data (MAC), the authentication data (MAC) being used to authenticate whether the image data is altered (col. 4, line 42-col. 5, line 13; figures 1,2). However, Kondoh does not specifically state that the key data necessary to generate the authentication data is generated if a user turns on the power of the image sensing

apparatus and erased in accordance with a predetermined condition such as when a user turns off a power supply.

Obana discloses a method for encryption and decryption with endurance to cryptanalysis. Obana states in the background section that it is well known in the art for communication devices to dynamically erase key information stored in a volatile memory when power is turned off and to **re-load the key information** when the supply of power is resumed (col. 1, line 65-col. 2, line 4). The Examiner maintains that the operation of re-loading key information disclosed by Obana constitutes generating key data. When key data is erased as disclosed by Obana and then subsequently re-loaded when the supply of power is resumed, key data is generated (re-loading constitutes generating key data). Therefore, it would have been obvious for one skilled in the art to have been motivated to include logic to erase key information in a device when power is turned off and re-load the key information when the supply of power is resumed as disclosed by Obana in the image sensing apparatus disclosed by Kondoh. Doing so would provide a means for improving secretness in an encrypting communication device (Obana: col. 1, lines 65-66). Thus, the Examiner maintains that the combination of the Kondoh and Obana reference discloses all of the limitations of amended claim 1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondoh et al. US 6,968,058 in view of Obana US 6,970,561.**

Re claims 1-2, Kondoh discloses in a first embodiment an image sensing apparatus (100) comprising: an image sensing unit (2) that generates image data of a sensed image; and a key data control unit (MAC generation unit 11) that generates key data (Kprivate), the key data (Kprivate) being used to generate authentication data (MAC), the authentication data (MAC) being used to authenticate whether the image data is altered (col. 4, line 42-col. 5, line 13; figures 1,2). However, Kondoh does not specifically state that the key data necessary to generate the authentication data is generated if a user turns on the power of the image sensing apparatus and erased in accordance with a predetermined condition such as when a user turns off a power supply.

Obana discloses a method for encryption and decryption with endurance to cryptanalysis. Obana states in the background section that it is well known in the art for communication devices to dynamically erase key information stored in a volatile memory when power is turned off and to **re-load the key information** when the supply of power is resumed (col. 1, line 65-col. 2, line 4). The Examiner maintains that the operation of re-loading key information disclosed by Obana constitutes generating key data. When key data is erased as disclosed by Obana and then subsequently re-loaded when the supply of power is resumed, key data is generated (re-loading constitutes generating key data). Therefore, it would have been obvious for one skilled in the art to have been motivated to include logic to erase key information in a device when power is turned off and re-load the key information when the supply of power is resumed as disclosed by Obana in the image sensing apparatus disclosed by Kondoh. Doing so would provide a means for improving secretness in an encrypting communication device (Obana: col. 1, lines 65-66).

Re claim 19, Kondoh states that the key data control unit (MAC generation unit 11) generates the authentication data (MAC) using the key data (Kprivate) (col. 4, line 64-col. 5, line 7).

Re claim 21, Kondoh states that the image sensing apparatus is a digital camera (100).

**Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondoh et al. US 6,968,058 in view of Obana US 6,970,561 and further in view of Ohmura US 6,963,363.**

Re claims 18 and 20, the combination of the Kondoh and Obana references discloses all of the limitations of claim 1 above. Additionally, Kondoh states that the key data control unit (MAC generation unit 11) generates the authentication data (MAC) using the key data (Kprivate) (col. 4, line 64-col. 5, line 7). However, neither reference specifically states that the key data control unit generates key data using two different data.

Ohmura discloses a digital camera that can select one of a plurality of authentication keys. The camera disclosed by Ohmura allows a user to select a desired one of a plurality of authentication keys in accordance with a publisher or a newspaper company with whom the user contracts (col. 4, lines 26-32). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the teaching of allowing a user to select a desired one of a plurality of authentication keys in a camera as disclosed by Ohmura in the digital camera including key data as disclosed by the combination of Kondoh and Obana. Doing so would provide a means for allowing a user of a digital camera to choose from of variety of keys to attach to captured image data in order to ensure that the image data can only be accessed by a user

corresponding to the selected key, thus improving the secretness of the information captured by the camera.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



### ***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached at **(571) 272-7372**. The fax phone number for submitting all Official communications is **(571) 273-7300**. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at (571) 273-7312.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ

*Kelly L. Jerabek*



LIN YE  
SUPERVISORY PATENT EXAMINER